PATENT

Attorney Docket No.: INVIT1120=2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Serial No.:

Fernandez et al.

Art Unit:

1646

Examiner

Not yet assigned

Filed:

April 25, 2001

09/843,281

Title:

METHODS FOR PRODUCING LIBRARIES OF EXPRESSIBLE GENE

SEQUENCES

Box MISSING PARTS Commissioner for Patents Washington, D.C. 20231

PETITION REQUESTING PROCESSING AND RETENTION OF PATENT APPLICATION UNDER 37 C.F.R. § 1.53(f)

Sir:

In connection with the above-identified patent application, it is respectfully requested that the application be processed and maintained as provided under 35 U.S.C. § 1.53(f).

The subject non-provisional application has met the requirements for obtaining a filing date under 35 U.S.C. § 1.53(b) in that a specification as prescribed by 35 U.S.C. 112 containing a description pursuant to 37 C.F.R. 1.71 and at least one claim pursuant to 37 C.F.R. 1.75 and any drawing required by 37 C.F.R. 1.81(1) was filed in the U.S. Patent and Trademark Office on April 25, 2001.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enc deposited with the United States Postal Service as fin	rst class mail on this
date, November 21, 2001, in an envelope addressed PARTS, Commissioner for Patents, Washington, D.0	
Aldon Griffis	
(Name of Person Mailing Paper)	
alle Huffis (Signature)	November 21, 200 (Date

Gray Cary\GT\6266413.1 102894-21 In re Application of Fernandez et al.

Application No.: 09/843,281

Filed: April 25, 2001

Page 2

PATENT Attorney Docket No.: INVIT1120-2

An oath or declaration and basic filing fee has not been filed with respect to the subject application. A Notice of Missing Parts, indicating that the oath or declaration of the inventors must be filed, was mailed by the U.S. Patent and Trademark Office on May 24, 2001, and was due July 24, 2001. This request for processing and retention of the subject application is being filed with the fee required under 37 C.F.R. 1.21(l), along with a Petition for a Four (4) month extension of time to November 24, 2001. Accordingly, this Petition Requesting Processing and Retention of the subject patent application is being filed during the pendency of the application as required under 37 C.F.R. 1.53(f).

In connection with the filing of this Request, a Continuation Application under 37 C.F.R. 1.53(b) and claiming the benefit of priority of the subject application under 37 C.F.R. 1.78, is being filed herewith.

It is submitted that the requirements for retention and processing of the subject application and for claiming priority to the subject application have been met. The Commissioner is invited to contact Applicants' undersigned representative if there are any questions relating to this application.

In re Application of Fernandez et al.

Application No.: 09/843,281

Filed: April 25, 2001

Page 3

PATENT Attorney Docket No.: INVIT1120-2

Please charge any additional fees, or make any credits, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: November 21, 2001

Lisa A. Haile, J.D., Ph.D.

Reg. No. 38,347

Attorney for Applicant

Telephone No.: (858) 677-1456 Facsimile No.: (858) 677-1465

USPTO Customer No. 28213 GRAY CARY WARE & FREIDENRICH LLP 4365 Executive Drive, Suite 1100 San Diego, California 92121-2133